U.S. DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration Office for Coastal Management

Silver Spring Metro Center, Building 4 1305 East-West Highway Silver Spring, Maryland 20910

COASTAL ZONE MANAGEMENT ACT GENERAL CONSISTENCY DETERMINATION FOR GUAM

Submitted to:

Edwin Reyes, Administrator
Guam Coastal Management Program
Bureau of Statistics and Plans
PO Box 2950
Hagatna, Guam 96932

Submitted by:

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April 27, 2021

COASTAL ZONE MANAGEMENT ACT GENERAL CONSISTENCY DETERMINATION

This document provides Guam with the National Oceanic and Atmospheric Administration (NOAA) Coral Reef Conservation Program (CRCP) General Consistency Determination pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended, and 15 Code of Federal Regulations (CFR) Part 930, Subpart C, for the implementation of CRCP activities that may have reasonably foreseeable effects on coastal uses or resources of the Guam's coastal zone.

Guam developed the Guam Coastal Management Program, which was approved by NOAA in 1979. The lead agency is the Bureau of Statistics and Plans. The primary authority for the Coastal Management Program is the 5 Guam Code Annotated Chapter 1, Article 2. The Guam Coastal Management Program encompasses a number of enforceable policies that guide the use, protection, and development of land and ocean resources within Guam's coastal zone.

The CRCP published a Notice of Availability of a Programmatic Environmental Impact Statement (PEIS) in the *Federal Register* (FR) on July, 17, 2020 (85 FR 43544). The PEIS was developed in accordance with the National Environmental Policy Act of 1969, as amended (NEPA). The Notice of Availability of a Record of Decision (ROD) was published in the Federal Register on August 27, 2020 (85 FR 52955). The PEIS and the ROD are available on CRCP's website (https://coralreef.noaa.gov/about/enviro-compliance.html). The coral reef conservation and restoration activities to be implemented by CRCP are described in the CRCP PEIS, Chapter 2 – Description of Proposed Action and Alternatives. Reasonably foreseeable coastal effects are described in Chapter 4 of the CRCP PEIS. The CRCP supports in-water activities throughout the territorial waters around Guam; land-based restoration activities are expected to take place in the watersheds associated with these areas: Manell-Geus, Cocos Lagoon, Achang Reef Flat Marine Preserve.

The CRCP is implemented pursuant to the Coral Reef Conservation Act of 2000 (CRCA) and Executive Order 13089 - Coral Reef Protection. Projects implemented or funded by CRCP vary in size, complexity, geographic location, and CRCP involvement, and often benefit diverse coral reef species, habitats, and ecosystem types. The CRCP conducts research and monitoring to gather data on the existence and condition of coral reef ecosystems to support state, territorial, and federal conservation, management, and restoration efforts. NOAA implements the CRCP across four of its line offices (i.e., National Ocean Service, Office of Oceanic and Atmospheric Research, National Marine Fisheries Service, and National Environmental Satellite, Data, and Information Service) and in coordination with other federal, state, and local agencies; private conservation organizations; and research and academic institutions. A significant amount of this support is administered through grants and cooperative agreements. CRCP activities are prioritized based on available funding and the responsiveness to the priorities in its strategic plan, including jurisdictional needs.

Approach to Federal Consistency

In order to facilitate CZMA review for future activities, CRCP is pursuing a General Consistency Determination at a programmatic-level evaluation of the CRCP Preferred Alternative in the PEIS, which consists of activities that support the CRCP Strategic Plan. The CRCP Strategic Plan focuses on four themes:

- Increase resilience to climate change;
- Improve fisheries' sustainability;
- Reduce land-based sources of pollution; and
- Restore viable coral populations.

Appendix A provides a list of CRCP activities that support each of these themes. At any given time, the CRCP implements a subset of these activities. For example, the CRCP supports biennial coral reef monitoring through the National Coral Reef Monitoring Program (NOAA-led monitoring) and also provides Guam funding to conduct annual monitoring. Many of the research activities, the watershed restoration activities, and the activities to reduce physical impacts to corals are individually-funded projects that may have a one-to-three-year project period.

The CRCP evaluated the coral reef conservation and restoration activities according to the enforceable policies of the Guam Coastal Management Program to make a consistency determination for each type of activity analyzed in the CRCP PEIS. As described later in this general consistency determination, the CRCP finds that the described activities have a range of coastal effects that include: reasonably foreseeable effects on coastal uses or resources; insignificant direct or indirect (cumulative and secondary) coastal effects; no effects on any coastal use or resource; or direct or indirect environmental benefits. Rather than provide a separate negative determination under 15 CFR § 930.35 for some of these activities, the CRCP is covering all of the activities under this one general consistency determination.

GUAM COASTAL MANAGEMENT PROGRAM ASSESSMENT

DATE OF APPLICATION: April 2021 NAME OF APPLICANT: National Oceanic and Atmospheric Administration (NOAA) NOS/OCM/Corals - 10404 ADDRESS: 1305 East-West Highway Silver Spring, Maryland 20910 TELEPHONE NO. 240-533-0773 Fax No. n/a Cell No: n/a harriet.nash@noaa.gov E-MAIL ADDRESS: TITLE OF PROPOSED PROJECT: NOAA Coral Reef Conservation Program activities COMPLETE FOLLOWING PAGES FOR BUREAU OF STATISTICS AND PLANS ONLY: DATE APPLICATION RECEIVED:____ OCRM NOTIFIED: LIC. AGENCY NOTIFIED: PUBLIC NOTICE GIVEN: OTHER AGENCY REVIEW REQUESTED: **DETERMINATION:** () CONSISTENT () NON-CONSISTENT () FURTHER INFORMATION REQUESTED OCRM NOTIFIED: ____LIC. AGENCY NOTIFIED: ____ APPLICANT NOTIFIED: ____ **ACTION LOG:** 1._____ 2._____

DATE REVIEW COMPLETED:

Enforceable Policies of the Guam Coastal Management Program

DEVELOPMENT POLICIES (DP)

DP 1. Shore Area Development

Intent: To ensure environmental and aesthetic compatibility of shore area land uses.

Policy: Only those uses shall be located within the Seashore Reserve which: enhance, are

compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or can demonstrate

dependence on such a location and the lack of feasible alternative sites.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. The coral and watershed restoration on coastal areas would enhance the surrounding coastal area's aesthetic and environmental quality. Monitoring, mapping, and research activities as described in Appendix A would include mooring of instruments. These activities would be conducted to ensure environmental and aesthetic

compatibility of shore area land uses.

DP 2. Urban Development

Intent: To cluster high impact uses such that coherent community design, function,

infrastructure support and environmental compatibility are assured.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring

high levels of support facilities shall be concentrated within appropriate zone as

outlined on the Guam Zoning Code.

Discussion: Not applicable. The Proposed Action does not involve the development of

commercial, multi-family, industrial, and resort-hotel zone uses and uses requiring

high levels of support facilities.

DP 3. Rural Development

Intent: To provide a development pattern compatible with environmental and

infrastructure support suitability and which can permit traditional lifestyle

patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low density residential and

agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewering is

provided.

Discussion: Not applicable. The Proposed Action does not involve residential development

and agricultural uses.

DP 4. Major Facility Siting

Intent: To include the national interest in analyzing the siting proposals for major

utilities, fuel and transport facilities.

Policy: In evaluating the consistency of proposed major facilities with the goals, policies,

and standards of the Comprehensive Development and Coastal Management Plans, Guam shall recognize the national interest in the siting of such facilities, including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste

disposal, sewage treatment, and major reservoir sites.

Discussion: Not applicable. The Proposed Action does not involve construction or siting of

major utilities, fuel, or transport facilities.

DP 5. Hazardous Areas

Intent: Development in hazardous areas will be governed by the degree of hazard and the

land use regulations.

Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air

installations' crash and sound zones and major fault lines shall be developed only to the extent that such development does not pose unreasonable risks to the health,

safety or welfare of the people of Guam, and complies with the land use

regulations.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. The Proposed Action includes watershed restoration, which could occur in floodplains or erosion-prone areas, and any activities would comply with land use regulations.

DP 6. Housing

Intent: To promote efficient community design placed where the resources can support it.

Policy: The government shall encourage efficient design of residential areas, restrict such

development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of

residential development.

Discussion: Not applicable. The Proposed Action does not involve residential development.

DP 7. Transportation

Intent: To provide transportation systems while protecting potentially impacted

resources.

Policy: Guam shall develop an efficient and safe transportation system, while limiting

adverse environmental impacts on primary aquifers, beaches, estuaries, coral reefs

and other coastal resources.

Discussion: Not applicable. The Proposed Action does not include the development of

transportation systems.

DP 8. Erosion and Siltation

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15% or greater slope by requiring strict

compliance with erosion, sedimentation, and land use regulations, as well as other

related land use guidelines for such areas.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. The Proposed Action would include land-based watershed restoration activities to reduce erosion into coastal waters. These projects are not expected to have negative effects on water quality, water circulation, or in-water sediment transport. Land-based watershed activities that might affect waters of Guam will adhere with erosion, sedimentation, and land use regulations, as well as other related land use guidelines for such areas, and will obtain a construction permit authorization

from Guam Department of Public Works.

RESOURCES POLICIES (RP)

RP 1. Air Quality

Intent: To control activities to ensure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all

appropriate Federal air quality standards in order to ensure the maintenance of

Guam's relatively high air quality.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. The Proposed Action would require the use of vessels for certain activities. All vessels must meet all EPA Vessel General Permit and Coast Guard requirements for the control of pollution from air emissions, vessel discharges, and trash. Additionally, the

Proposed Action requires any of the watershed restoration activities to implement a number of best management practices (listed in Appendix A, CRCP PEIS) to control or minimize sedimentation and pollution that may be caused by physical work associated with these activities. The Proposed Action would not have a demonstrable negative impact on the air of Guam and would be conducted in conformance with the Clean Air Act.

RP 2. Water Quality

Intent: To control activities that may degrade Guam's drinking, recreational, and

ecologically sensitive waters.

Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected

through the regulation of uses and discharges that pose a pollution threat to

Guam's waters, particularly in estuaries, reef and aquifer areas.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. The Proposed Action would include coral and watershed restoration. Coral restoration activities would comply with best management practices and are not expected to result in pollution of the waters of Guam. Watershed restoration activities are aimed at reducing soil erosion into coastal waters. Best management practices would be implemented to ensure that these activities would not cause or contribute to soil erosion. The goal of watershed activities is to reduce land-based sources of pollution due to stormwater runoff. The Proposed Action would not have a demonstrable negative impact on the waters of Guam and would be conducted in

compliance with the federal Clean Water Act.

RP 3. Fragile Area

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and

plant habitats.

Policy: Development in the following types of fragile areas including Guam's Marine

Protected Areas (MPA) shall be regulated to protect their unique character.

- historical and archeological sites

- wildlife habitats

- pristine marine and terrestrial communities

- limestone forests

- mangrove stands and other wetlands

- coral reefs

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy

installation and marine debris removal, and 5) outreach activities. The Proposed

Action would include activities that may affect marine and terrestrial habitats, and the activities are designed to benefit such habitats. The Proposed Action would be conducted in accordance with the federal National Historic Preservation Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and other laws and regulations to protect the unique character of these habitats.

RP 4. Living Marine Resources

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the waters of Guam, particularly fish, shall be

protected from over harvesting and, in the case of corals, sea turtles and marine

mammals, from any taking whatsoever.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. The purpose of the Proposed Action is to protect corals and other living resources in coral reef

ecosystems. The Proposed Action would include take of corals and other species. Permits from Guam's Department of Agriculture, the U.S. Fish and Wildlife Service, and NOAA's National Marine Fisheries Service would be obtained for

conducting the Proposed Action as appropriate.

RP 5. Visual Quality

Intent: To protect the quality of Guam's natural scenic beauty

Policy: Preservation and enhancement of, and respect for the island's scenic resources

shall be encouraged through increased enforcement of and compliance with sign,

litter, zoning, subdivision, building and related land-use laws. Visually

objectionable uses shall be located to the maximum extent practicable so as not to

degrade significant views from scenic overlooks, highways and trails.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. The Proposed

Action (primarily watershed restoration) would be conducted taking into

consideration the preservation and enhancement of the quality of Guam's natural scenic beauty. Tools and materials used for the Proposed Action would be removed from the site after concluding the activities. The Proposed Activity would be conducted in close coordination with the government of Guam.

RP 6. Recreation Areas

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of

recreational facilities located and maintained so as to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas and protect beaches and such passive recreational areas as wildlife, marine conservation and marine protected areas, scenic overlooks, parks, and

historical sites.

Developments, activities and uses shall comply with the Guam Recreational

Water Use Management Plan (RWUMP).

Discussion: Not applicable. The Proposed Action does not involve development of

recreational facilities.

RP 7. Public Access

Intent: To ensure the right of public access.

Policy: The public's right of unrestricted access shall be ensured to all non-federally

owned beach areas and all Guam recreation areas, parks, scenic overlooks, designated conservation areas and their public lands. Agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion: Consistent. The Proposed Action includes 1) monitoring, mapping, and research,

2) coral restoration, 3) land-based watershed restoration activities, 4) buoy installation and marine debris removal, and 5) outreach activities. Watershed

restoration within the coastal areas includes activities such as dirt road stabilization to reduce land-based sources of pollution, coastal forest restoration, delineation of sensitive coastal habitats, and installation of boardwalk for public access to beaches. These activities may affect non-federally owned beach areas, territorial recreation areas, parks, scenic overlooks, designated conservation areas,

or other public lands. Public access to the watershed restoration area may be temporarily restricted in a very localized area while activities are conducted. Although the Proposed Action may restrict public access, activities would be conducted in coordination with Guam's Department of Parks and Recreation and federal agencies such as U.S. Fish and Wildlife Service. Guam permits would be

obtained for the activities that require one.

RP 8. Agricultural Lands

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

Discussion: Not applicable. The Proposed Action would not include urban development.

Land-based watershed restoration activities are unlikely to take place on or near

agricultural lands.

Determination

The CRCP made a General Consistency Determination on a programmatic level for the enforceable policies under the Guam Coastal Management Program. Based on the information, data, and analysis contained herein and in the CRCP PEIS, the CRCP has determined that the Proposed Action, including coral reef conservation and restoration activities as described in Chapter 2 of the CRCP PEIS and listed in Appendix A of this document, is consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program.

Pursuant to 15 CFR § 930.41, the Guam Coastal Management Program has 60 days from the receipt of this letter to concur with or object to this General Consistency Determination, or to request an extension under 15 CFR § 930.41(b). Guam's concurrence will be presumed if Guam's response is not received by CRCP on the 60th day after receipt of this determination.

Please contact the CRCP Deputy Director, Harriet Nash, with any comments or questions at harriet.nash@noaa.gov or by telephone at 240-533-0773.

References

Bureau of Statistics and Plans. Government of Guam. (2011) *Procedures Guide for Achieving Federal Consistency with the Guam Coastal Management Program.*

Appendix A: Activities under the CRCP mapped to focus areas in the CRCP Strategic Plan

Activity	CRCP Areas of Focus			
	Improve Fisheries Sustainability	Address Land-based Sources of Pollution	Address Climate Change	Restore Viable Coral Populations
Monitoring, Mapping, and Research				
Biological Monitoring				
SCUBA and/or Snorkel Surveys	X	X	X	X
Stationary Cameras	X	-		X
Fisheries Monitoring and Detection Using Echosounder	X			X
Geological and Oceanographic Monito	ring			
Moored Instruments, and Water Quality Monitoring	X	X	X	X
Antifouling and Lubricants for Instruments	X		X	
Drifters	X		X	X
Automated Underwater Vehicles and Remotely Operated Vehicles	X		X	
Marine Sediment Monitoring	X		X	
Terrestrial Sediment Monitoring	X	X	X	
Socioeconomic Monitoring	X	X	X	X
Coral Reef Mapping				
In-water Echosounder	X		X	
Aerial	X	X	X	X
Satellite	-	X	X	X
Common Research Activities				
Tagging				
Fish	X			
Shark	X			

Corals			X	X
Collection of biological samples				
Coral		X	X	X
Fish and Other Invertebrates	X			
Algae/Seagrass		X	X	X
Coral Restoration and Interventions				
Coral Restoration				
In-situ Nursery Development/ Enhancement				X
Nursery Maintenance				X
Coral Transplantation				X
Other Coral Interventions	-			-
Urchin Propagation and Outplanting				X
Invasive and Nuisance Algae Control/Removal				X
Corallivore Control				X
Coral Disease Control				X
Coral Genomics, Stress Hardening, and Survival Analysis				X
Potential Future Coral Intervention Activities				X
Watershed Management and Restorat	ion			
Technical Support for Watershed Management Plans		X		
Vegetative Planting		X		
Unpaved Road/Trail Stabilization		X		
Stormwater Control Best Management Practices				
Bioretention Cells (Rain Gardens)		X		
Baffle Boxes		X		
Culvert Repair or Replacement		X		

Curb/Grate Inlet Basket (with Filter)		X		
Swale		X		
Stormwater Pond/Sediment Basins		X		
Constructed Wetlands		X	1	
Low Impact Development		X	1	
Streambank and Ghut (ephemeral streams) Stabilization		X	1	
Fencing		X	-	
Elevated Boardwalks and Delimitation of Sensitive Areas		X		
Reduce Physical Impacts to Coral Ree	f Ecosystems			
Boat Mooring Buoy Installation				
Recreational/Day Use Moorings				X
Storm Buoys				X
Marker Buoys			-	X
Debris Removal				X
Outreach/Education and Program Op	erations			
Outreach/Education				
Signage	X			X
In-situ Education Activities	X	X	X	X
Other Outreach Activities	X	X	X	X
Data Analysis and Modeling	X	X	X	X
Program and Interagency Coordination/Administration	X	x	X	X
Operational Activities (Vessels)	X	X	X	X

APPENDIX B. FEDERAL CONSISTENCY SUPPLEMENTAL INFORMATION FORM

Date:	<u>April 2021</u>					
Project/Activ	vity Title or					
Description:	NOAA Coral Reef Conservation Program activities					
Location:	Coastal zone (land and water) of Guam					
Other applica	able area(s) affected, if appropriate: <u>n/a</u>					
Est. Start Da	te: April 2021 Est. Duration: varies by activity; 20 yrs programmatical					
APPLICAN	T					
Name & Title	e <u>Dr. Harriet Nash, Deputy Director, Coral Reef Conservation Program</u>					
Agency/Orga	anization National Oceanic and Atmospheric Administration (NOAA)					
Address	NOS/OCM/Corals - 10404, 1305 East-West Highway					
	Silver Spring, Maryland 20910					
	o. during business hours: (240) 240-533-0773					
E-mail Addre	ess:harriet.nash@noaa.gov					
AGENT						
Name & Title	e					
Agency/Orga	anization Address Zip Code					
	o. during business hours:					
A/C (()					
A/C (()					
Fax (
E-mail Addre	ess:					
CATEGORY	Y OF APPLICATION (check one only)					
(X)	I - Federal Agency Activity					
()	I - Federal Agency Activity II - Federal Permit or License					
()	III - Federal Grants & Assistance					
TYPE OF S	TATEMENT (check one only)					
()	Consistency					
(X)	(X) General Consistency (Category I only)					
()	Negative Determination (Category I only)					
()	Non-Consistency (Category I only)					

APPROVING FEDERAL AGENCY (Categories II & III only) Contact Person ____ Telephone No. during business hours: Area Code ()_____ FEDERAL AUTHORITY FOR ACTIVITY Title of Law Coral Reef Conservation Act Section OTHER GUAM APPROVALS REQUIRED: Type of Approval Date of Application Status Guam's Department Construction As needed As needed of Public Works Guam's Department As needed As needed of Agriculture